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| In re Application of | : | |
| GERLICH et al. | : | |
| Application No.: 10/518,309 | : | |
| PCT No.: PCT/EP02/04761 | : | NOTIFICATION |
| Int. Filing Date: 07 May 2003 | : | |
| Priority Date: 27 June 2002 | : | |
| Attorney Docket No.: 2002P03697WOUS | : | |
| For: CONTACT DEVICE FOR THE ELECTRIC | : | |
| CONTACT OF CABLE SHIELDS | : | |

This application is before the Office of PCT Legal Affairs for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 07 May 2003, applicants filed international application PCT/EP02/04761 which claimed a priority date of 27 June 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 January 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2004.

On 16 December 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the basic national fee; a declaration of the inventors; a substitute specification; and a preliminary amendment.

On 05 May 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according to the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 16 December 2004 and a 35 U.S.C. 371 date of 27 December 2004.

DISCUSSION

In view of the "substitute specification" which includes an indication in the first paragraph that the application is a US National Stage of International Application Number PCT/EP02/04761, it is apparent that the translation filed 16 December 2004 was not sufficient. Thus, the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States

of America were not completed as of the 371 dates indicated in the NOTIFICATION OF ACCEPTANCE mailed 05 May 2005. Accordingly, the 05 May 2005 NOTIFICATION OF ACCEPTANCE is hereby VACATED.

Although the Transmittal Letter filed 16 December 2004 includes an indication in item (6) that an "English language translation of the International Application as filed is attached hereto", no such translation appears in the file.

An accurate translation of the international application as filed is required in order to comply with 35 U.S.C. 371. See, e.g., 37 CFR 1.495(c)(1). Thus, the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not yet been completed. Applicants must file such a translation.

It is suggested that applicants also re-submit the translation filed 16 December 2004 such that it complies with 37 CFR 1.125. Among other things, 37 CFR 1.125 requires a marked up version of the substitute specification showing all the changes (including the matter being added to and the matter being deleted from) to the specification of record. Here, the specification of record will be the translation of the international application as filed (which has not yet been submitted).

CONCLUSION

Applicants are required to file 1) a translation of the international application as filed into English, and 2) the processing fee of \$130 under 37 CFR 1.492(f) for submitting a translation of the application later than thirty months from the priority date, within a time limit of ONE (1) MONTH from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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